

REMARKS

I. Introduction

Claims 11, 12, 14, 16, 18, and 20 to 33 are pending in the present application. It is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Rejection of Claims 11, 12, 14, 16, 18, and 20 to 33 **Under 35 U.S.C. § 112, Second Paragraph**

Claims 11, 12, 14, 16, 18, and 20 to 33 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants respectfully submit that claims 11, 12, 14, 16, 18, and 20 to 33 fully satisfy the requirements of 35 U.S.C. § 112 for the following reasons.

The second paragraph of 35 U.S.C. § 112 merely requires that the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. As provided in M.P.E.P. § 2173.02, the "focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph is whether the claim meets the threshold requirement of clarity and precision." In this regard, the "essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity." *Id.* (emphasis added). "Definiteness of claim language must be analyzed, not in a vacuum, but in light of [, inter alia, the] content of the particular application disclosure [and the] claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made." *Id.* If the claims, when read in light of the Specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, the second paragraph of 35 U.S.C. § 112 demands no more. M.P.E.P. § 2173.05(a) (citing Shatterproof Glass Corp. v. Libbey Owens Ford Co., 758 F.2d 613, 225 U.S.P.Q. 634 (Fed. Cir. 1985)).

Regarding claims 11, 12, 14, 16, 18, and 20 to 33, the Office Action alleges that the term "thermosetting" in claim 11 is not clear. Applicants respectfully submit that the term "thermosetting," in the context of a method of manufacturing a spunbonded nonwoven from a thermoplastic polymer, reasonably clearly conveys to

one of ordinary skill in the art the process of simultaneously heating and compacting the nonwoven, for example, using a heated structured calender. Notwithstanding the above, to expedite prosecution, independent claim 11 has been amended herein without prejudice to eliminate the objected to thermosetting step from the claim. Withdrawal of this rejection is therefore respectfully requested.

The Office Action further rejected claims 22, 24, 27, and 31 for limiting the fibers to a titer of 3 to 12 dtex when claim 11 limits the fiber size to a titer of 1 to 5 dtex or 6 to 12. Claims 22, 24, 27, and 31 have been amended herein without prejudice to cancel the 3 to 12 dtex size limitation and to further recite that (i) if the fibers or filaments are bonded by needling only they have a titer of 3 to 5 dtex, and (ii) if the fibers or filaments are bonded by a combination water jets and needling they have a titer of 6 to 12 dtex. Support for this amendment to claim 11 can be found, for example, in original claims 2 and 11. Applicants respectfully submit that claim 11, as amended, is sufficiently definite.

The Office Action further alleges that the language "between individual needling stages" lacks antecedent basis. Claim 11 has been amended to recite multiple stages of needling or needling and water jet treatment. Support for this amendment can be found in the Specification, for example, at p. 4, lines 1 to 3. Applicants respectfully submit that claim 11, as amended, is sufficiently definite.

Regarding claims 21 to 24, 26, 27, 30 and 31, the Office Action alleges that the language regarding the specific modulus constitutes new matter. Applicants respectfully submit that one skilled in the art would understand that the language, for example, of original claim 2, discloses the specific modulus. While original claim 2 does not use the term specific modulus one skilled in the art would understand that the recited value of .7 N/gm² constitutes the specific modulus given the context of the claim and the use of units N/gm², which one skilled in the art would readily recognize as specific modulus units. Notwithstanding the above, to expedite prosecution, claims 21 to 24, 26, 27, 30, and 31 have been amended herein without prejudice to cancel reference to the specific modulus.

In light of the foregoing amendments and arguments, Applicants respectfully request withdrawal of the 35 U.S.C. § 112 rejection and allowance of claims 11, 12, 14, 16, 18, and 20 to 33.

III. Rejection of Claims 11, 12, 14, 16, 18, and 20 to 33

Under 35 U.S.C. § 103(a)

Claims 11, 12, 14, 16, 18, and 20 to 33 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Japanese Patent No. 10-273873 ("Watanabe"), DE 29 00 888 ("DE '888"), and EP 13355 ("EP '355"). Applicants respectfully submit that the present claims are patentable over the combination of Watanabe, DE '888, and EP '355 for the following reasons.

Watanabe purportedly relates to a base fabric for a tufted carpet. DE '888 purportedly relates to a method for manufacturing spunbonded nonwoven fabrics. EP '355 purportedly relates to a process for making spunbonded nonwoven sheets. Nowhere does the combination of Watanabe, DE '888, and EP '355 disclose, or even suggest, multiple needling stages, let alone stretching the bonded fibers or filaments by up to 30% in the longitudinal direction between each of the needling stages, as required by claim 11, from which claims 12, 14, 16, 18, and 20 to 33 ultimately depend. The Office Action admits that Watanabe does not disclose the stretching step but alleges that DE '888 and EP '355 remedy this deficiency of Watanabe. However, while these reference may disclose a stretching step, nowhere do they disclose, or even suggest, multiple needling stages let alone the specific timing of the stretching step between the needling stages, as required by claim 11. Therefore, the combination of Watanabe, DE '888, and EP '355 does not disclose, or even suggest, all of the limitations of claim 11.

In rejecting a claim under 35 U.S.C. § 103(a), the Examiner bears the initial burden of presenting a prima facie case of obviousness. In re Rijckaert, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish prima facie obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). Second, there must be a reasonable expectation of success. In re Merck & Co., Inc., 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art reference(s) must teach or suggest all of the claim limitations. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). As indicated above, the combination of Watanabe, DE '888, and EP '355 does not disclose, or even suggest, all of the

limitations of claim 11. Therefore, the combination of Watanabe, DE '888, and EP '355 does not render obvious claim 11 and claims 12, 14, 16, 18, and 20 to 33, which ultimately depend from claim 11. Withdrawal of this rejection is therefore respectfully requested.

IV. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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